


801-683-0323

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Spencer Lambert**
 Serial Number: **10/045,434**
 Filed: **November 7, 2001**
 Group: **2683**
 Examiner: **Doan, Kiet M**
 For: **REMOTE TARGET CONTROL SYSTEM**
 Attorney Docket: **1405.ACTI.NP**

<p>Mail Stop Amendment No Fee Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313,1450</p>	<p>hereby certify that this correspondence is being deposited with the United States Postal Service via First Class Mail addressed to: Patent 1005-392 Mail Stop Amendment No Fee Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313,1450 APR 16, 2005 </p>
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DECLARATION OF SPENCER LAMBERT

Spencer Lambert hereby declares:

1. I am a named inventor in the above-referenced application and was formerly an employee at Action Target, Inc. of Provo, Utah, the assignee of the above-referenced invention.
2. In approximately 1999 H. Addison Sovine and I conceived of a remote target control system which would enable a telephone to act as a control interface for a computer to allow a user to remotely control the actuation of targets on a shooting range. This was a major improvement over other systems which required custom control units to actuate the targets.

3. The invention conceived by Mr. Sovine and me is more fully disclosed in U.S. Provisional Patent Application 60/246,437, which was filed on November 7, 2000, and U.S. Patent Application Number 10/045,434, filed November 7, 2001.

4. While I do not recall the exact date of the invention, I do know that, by June 14, 1999, I had designed the control board which would be necessary to convert the touch tones into the desired control signals and I had determined the other components necessary for both the system interface and for the target interface to enable the controlled actuation described in the patent.

5. Enclosed herewith as Exhibit A are three documents, each dated June 14, 1999 that demonstrate my initial board design for the system interface and the target interface, as well as a cost sheet for the two boards.

6. Thereafter, initial testing was performed on the system to ensure that the boards would perform the control functions as desired. Further documents showing my work on the board design dated November 29, 1999 are attached hereto as Exhibit B.

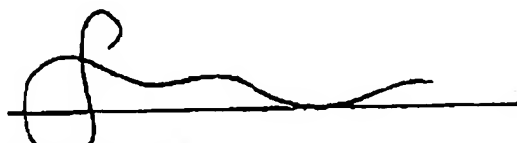
7. By April 6, 2000, I had completed my testing of the system to ensure that it would function as desired. On that date I sent an email to one of our suppliers seeking costs for the boards in varying quantities. A copy of the April 6, 2000 email is attached hereto as Exhibit C.

8. It is therefore my testimony that Mr. Sovine and I had both conceived of the invention in the above-referenced patent application and reduced the invention to practice prior to May 19, 2000, the earliest claimed priority date of Rosa et al.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code,

and that such willful, false statements may jeopardize the validity of the application or any patent issuing therefrom.

Dated this 6 day of April, 2005



Spencer Lambert